

REMARKS

Claims 1, 3-7, 9-22 are pending in this application. By this Amendment, claims 2 and 8 have been canceled and claims 1, 7, 13, 14, 16, 18, 20 and 22 have been amended to further distinguish the present invention over the teachings of the cited art, mainly Miller and Berman.

No new matter is added by this amendment. Support for the language added to the claims may be found in the original specification, claims and figures. In particular, support for the language added to claims 1, 7, 13, 14, 18 and 22 may be found in original claims 2 and 8. Support for the language added to claims 16 and 20 may be found, for example, in Fig. 4.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Arshad and Examiner Kincaid in the February 18, 2004 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. Information Disclosure Statement

Applicants filed an Information Disclosure Statement (IDS) on March 19, 2001. Applicants respectfully request the Examiner to acknowledge having considered the reference cited in the IDS. As a courtesy to the Examiner, Applicants attach hereto a copy of the PTO Form 1449 previously submitted with the March 19, 2001 IDS and respectfully request the Examiner to initial the reference cited therein and to return the Form with the next communication.

II. Claim Rejections Under 35 U.S.C. §102(e)

A. Miller

Claims 1, 3-7 and 9-13 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,661,437 (hereinafter "Miller"). This rejection is respectfully traversed.

Claims 1, 7 and 13 each recite an operating method, an operating device and an image processing apparatus having an operating device, respectively, for sequentially performing settings for plural items in predetermined order comprising, in part, displaying all of the plural items in a single display when one of the plural setting frames is displayed wherein items which have been already set, items which are being set and items which have not yet been set are displayed so as to be distinguishable from one another.

As acknowledged by the Patent Office on page 7 of the Office Action, Miller does not teach that items which have been already set and items which have not yet been set are displayed so as to be distinguishable from one another, as recited in each of claims 1, 7 and 13. Thus, as acknowledged by the Patent Office, Miller does not anticipate the subject matter of claims 1, 7 and 13 or any of depending claims 3-6 and 9-12. Reconsideration and withdrawal of this rejection are thus respectfully requested.

B. Humpleman

Claims 14, 18 and 22 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,603,488 (hereinafter "Humpleman"). This rejection is respectfully traversed.

Claims 14, 18 and 22 each recite, in part, displaying all the plural items wherein items which have been already set, items which are being set and items which have not yet been set are displayed so as to be distinguishable from one another.

Nowhere does Humpleman teach or disclose that items which have been already set and items which have not yet been set are displayed so as to be distinguishable from one another, as recited in each of claims 14, 18 and 22. Thus, Humpleman fails to anticipate the subject matter of claims 14, 18 and 22. Reconsideration and withdrawal of this rejection are thus respectfully requested.

C. Fado

Claims 16, 17, 20 and 21 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,067,084 (hereinafter "Fado"). This rejection is respectfully traversed.

Claim 16 recites an operating method for sequentially performing settings for plural items in predetermined order to perform the setting for a processor, the method comprising: enabling provision of instruction by a user for all the settings for the plural items to be initial settings.

Claim 20 recites an operating device for sequentially performing settings for plural items in predetermined order to perform settings for a processor, the device comprising: an instructing unit that instructs all the settings for the plural items to be initial settings based on a user command.

The Patent Office references col. 7, lines 33-42 of Fado and alleges that Fado teaches an operating method for sequentially performing settings for plural items in a predetermined order to perform the setting for a processor, the method comprising: enabling provision of instruction by a user for all the settings for the plural items to be initial settings. Here, however, Fado teaches "the audio mixer is initially configured in accordance with step of block 8. Without any interface with the user, and depending on the type of audio mixer, the tool deselects or mutes the microphone playback mixer control and all reconfiguring mixer controls other than the master and microphone controls." See Fado, col. 7 lines 34-39 (emphasis added).

Thus, even if the microphone and mixer controls could somehow be interpreted as plural items as suggested by the Examiner, the presently claimed invention still is not disclosed by Fado. That is, Fado teaches away from any user interface whereas claims 16 and 20 require user interaction.

For the foregoing reasons, and as acknowledged by the Examiners in the February 18 interview, Fado fails to teach or disclose the subject matter of claims 16 and 20 or of depending claims 17 and 21. Reconsideration and withdrawal of the rejection are thus respectfully requested.

III. Claim Rejections Under 35 U.S.C. §103(a)

A. Miller in view of Berman

Claims 2 and 8 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Miller in view of U.S. Patent No. 5,845,124 (hereinafter "Berman"). This rejection is respectfully traversed.

Claims 1, 7, 13, 14, 18 and 22 were amended to include the subject matter of claims 2 and 8. Claims 2 and 8 have been canceled. Thus the rejection with respect to claims 2 and 8 is now moot. However, with respect to claims 1, 7, 13, 14, 18 and 22, Applicants submit that Miller and Berman, alone or in combination, fail to teach or suggest that items which have been already set and items which have not yet been set are displayed so as to be distinguishable from one another, as recited in each of claims 1, 7, 13, 14, 18, and 22.

As acknowledged by the Patent Office on page 7 of the Office Action, Miller does not teach that items which have been already set and items which have not yet been set are displayed so as to be distinguishable from one another. However, the Patent Office alleges that Berman teaches this limitation at col. 8, lines 1-13. Specifically, the Patent Office alleges that it is inherent that items which have not yet been defined are displayed as regular lines if there are three different contrasting shades, and items which are currently being defined are depicted with solid bold lines and items which have been previously defined are depicted with dotted bold lines.

Even if one of ordinary skill in the art could have found the limitation that items which have been already set and items which have not yet been set are displayed so as to be

distinguishable from one another are taught by Berman, and would have somehow combined the references, the presently claimed invention still would not have been achieved.

Specifically, nothing in Miller or Berman, alone or in combination, teach or suggest displaying all the plural items in a single display, wherein items which have been already set, items which are being set and items which have not yet been set are displayed so as to be distinguishable from one another.

On the contrary, Miller discloses a plurality of different on-screen user interface displays, for example, one screen allows a user to control operation of a television (see col. 7, lines 26-28), another screen allows a user to adjust audio characteristics (see col. 7, lines 61-63), etc. See Figs. 7-10. More specifically, Miller discloses various displays. Not a single display wherein all the plural items are displayed and wherein items which have been already set, items which are being set and items which have not yet been set are displayed so as to be distinguishable from one another.

Further, nothing in Berman remedies the deficiencies of Miller discussed above. In fact, Berman teaches away from all the plural items being displayed. Specifically, Berman teaches that "an important aspect of the present invention is that a full or complete network configuration schematic, such as that of Fig. 3, need not be displayed to the user." See col. 7, lines 43-46 of Berman.

Accordingly, as acknowledged by the Examiners in the February 18 interview, nothing in Miller or Berman, alone or in combination, teach or disclose all the plural items are displayed in a single display wherein items which have been already set, items which are being set and items which have not yet been set are displayed so as to be distinguishable from one another, as recited in each of claims 1, 7, 13, 14, 18, and 22.

For the foregoing reasons, Applicants respectfully submit that claims 1, 7, 13, 14, 18, and 22 are allowable.

B. Humpleman in view of Shiels

Claims 15 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Humpleman in view of U.S. Patent No. 5,751,953 (hereinafter "Shiels"). This rejection is respectfully traversed.

Claim 15 depends from claim 14 and adds that after the processing operation of the processor is executed, an instruction can be provided as to whether the contents set for the plural items are maintained or the contents set are cleared.

Claim 19 depends from claim 18 and adds an instructing unit that makes an instruction as to whether the contents set for the plural items are maintained or the contents set are cleared after the processing operation of the processor is executed.

Even if one of ordinary skill in the art could have found Shiels to teach the subject matter of claims 15 and 19 and could have somehow combined Shiels with Humpleman, the presently claimed invention still would not have been achieved. Specifically, as discussed above, Humpleman fails to teach or disclose that items which have been already set and items which have not yet been set are displayed so as to be distinguishable from one another, as recited in claims 14 and 18. Nothing in Shiels remedies this deficiency. That is, nothing in the combined teachings of Humpleman and Shiels would have led one of ordinary skill in the art to the invention of claims 14 and 18.

Accordingly, Applicants respectfully submit that Humpleman and Shiels, whether taken alone or in combination, would not have led one of ordinary skill in the art to the invention of claims 14 and 18 or either of depending claims 15 and 19. Reconsideration and withdrawal of this rejection are thus respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3-7 and 9-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Linda M. Saltiel
Registration No. 51,122

JAO:LMS/hs

Attachment:

March 19 PTO Form 1449

Date: April 13, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--